

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re Flint Water Cases.

Judith E. Levy
United States District Judge

This Order Relates To:

ALL CASES

**OPINION AND ORDER DENYING
MOTION TO INTERVENE [1355]**

Before the Court is a motion to intervene filed by a group of individuals who have cases pending in Michigan state court (the “*Collins* Plaintiffs”). (ECF No. 1355.) They wish to object to the proposed settlement, which the Court preliminarily approved. (ECF No. 1399.) The background and description of the Master Settlement Agreement (“MSA”) set forth in that opinion is incorporated here.

The *Collins* Plaintiffs’ state-court claims seek reimbursement for water that residential and commercial customers did not use during the Flint Water Crisis and is styled as an unjust enrichment claim. (ECF No. 1355, PageID.42018–42020.) They seek to intervene in this litigation to

argue that the settlement should include compensation for their claims. The *Collins* Plaintiffs argue that, absent a subclass specifically for their claims, their state law cases will be “wiped and nullified without consideration.” (*Id.* at PageID.42017.)

In their opposition to the *Collins* Plaintiffs, class and individual Plaintiffs argue that intervention is not necessary because the *Collins* Plaintiffs already have the right to object under both Federal Rule of Civil Procedure 23 and the Settlement Agreement.¹ (ECF No. 1391, PageID.53971–53972.) The Court agrees.

The MSA provides a process (described already in the Opinion and Order ECF No. 1399) by which individuals can either choose to participate in the settlement or continue to pursue their claims. If the *Collins* Plaintiffs choose to participate in the settlement program the

¹ They also argue that the *Collins* Plaintiffs’ substantive objections warrant neither intervention nor rejection of preliminary approval. (ECF No. 1391, PageID.53975.) The Court need not comment on the merits of the *Collins*’ Plaintiffs objections, however, because they are premature.

MSA provides a process by which they can raise their objections.²

Accordingly, the *Collins* Plaintiffs' motion to intervene is denied.

IT IS SO ORDERED.

Dated: January 21, 2021
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on January 21, 2021.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager

² The MSA is aligned with Federal Rule of Civil Procedure 23(e)(5), which provides for objections made by class members.